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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles L. Turnbough
Serial No.: 09/229,751
Filed January 14, 1999
For: PEPTIDE LIGANDS THAT BIND TO SURFACES OF BACTERIAL SPORES

Response to Restriction Requirement

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

This is a Response to the Office Action mailed November 30, 2001. Applicant hereby elects the tagged peptides which bind to B. anthracis, specifically claiming the general sequence TYPXPXR wherein X may be chosen from Ile, Val or Leu. or a peptide of the formula TSQNVRT, with traverse. Please amend the claims in the following manner:

21. A composition comprising a tagged peptide ligand of 5-12 mers known to bind to spores from a particular species of bacteria selected from B. subtilis, B. anthracis, and B. cereus and a sample suspected of containing spores which will bind to said peptide ligand.

22. The composition of claim 21 containing a tagged peptide ligand

which binds with specificity to the surface of a [bacterial] B. anthracis spore, said ligand being bound to a solid support.

Please add the following claim:

23. The composition of claim 21 wherein the tagged peptide of 5-12 mers binds to a B. anthracis spore, said peptide containing either the sequence Thr-Ser-Gln-Asn-Val-Arg-Thr (TSQNVRT) (Seq. ID No. 40) or a sequence of the general formula Thr-Tyr-Pro-X-Pro-X-Arg (TYPXPXR), wherein X is Ile, Val or Leu.
24. The composition of claim 23 wherein the tagged peptide of 5-12 mers contains the sequence Thr-Ser-Gln-Asn-Val-Arg-Thr (TSQNVRT) (Seq. ID No. 40).
25. The composition of claim 23 wherein the tagged peptide of 5-12 mers contains at least one sequence chosen from among Thr-Tyr-Pro-Ile-Pro-Ile-Arg (TYPIPIR) (Seq. ID No. 41), Thr-Tyr-Pro-Ile-Pro-Phe-Arg (TYPIPFR) (Seq. ID No. 42), and Thr-Tyr-Pro-Val-Pro-His-Arg (TYPVPHR) (Seq. ID No. 43).
29. The composition of claim 23 wherein the peptide ligand is in a liquid medium.

Election

Applicant hereby elects the invention of claim 22, relating to

the B. anthracis organism and as a species of peptide, the peptide of claim 24. However, it is believed, in view of the art and its application that at least the peptides which bind to the B. anthracis should not present an undue burden for the examiner. Furthermore, the discovery is broad, in that such economical and simple means of identifying spore-forming organisms by identification of the presence of spores using very small peptides was completely unknown. In fact, the method apparently being used at the present in Washington is a much more complex enzyme means. Hence, it is believed the restriction to only one peptide would place on the applicant the burden of filing a very large number of applications simply to have any meaningful coverage.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Glenna Hendricks".

Glenna Hendricks, Reg. No. 32,535